

TOWN OF NEWSTEAD – ZONING BOARD OF APPEALS
MINUTES of March 23, 2006

Present: Bill Kaufman
Dave Wakeman
Corky Keppler
John Klodzinski
Rebecca Baker – Zoning Officer
Jennifer Heberling – Recording Secretary

Absent: Peter Randall

Bill called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American flag.

Area Variance Request – 13661 Main Rd. – Randy Fancher

Public hearing held for an area variance request of 150' to operate a used car dealership at 13661 Main Road. Robert Alexander of 1660 Indian Falls Rd., Corfu, NY appeared to speak. He runs Integrity Auto Sales that would be located at this location pending the variance request. He does not actually sell cars, there are no "for sale" signs used and no advertising. Everything is by word of mouth. He provides cars for people through local churches and needy families. There would be no more than 2 or 3 cars on the premises at a time. They use Dick Walser for inspections and repairs. Mr. Alexander stated that he would be willing to buy a car for someone if asked. He has to become a dealer to buy vehicles through Adesa.

Bill asked if someone will be staffed at this location during business hours and Mr. Alexander stated that there is no need to staff an office. Not open to the public. They only need the office to satisfy the DMV.

Randy Fancher of 12132 Nice Road, Akron, NY appeared to speak on behalf of Mr. Alexander. Mr. Fancher is the property owner and he stated that there is not going to be a lease. He said that Mr. Alexander is doing this for all the right reasons.

Mr. Fancher has a commercial construction company that uses the building on Main Road for storage, so the used cars could not be stored indoors.

Dave W. asked if there was a common driveway and stated that this is a unique situation.

Mike Shields of 12690 Main Road, Akron, NY stated that there is a car dealership down the road that is an eyesore. He said this property at 13661 Main Rd. is nicely kept and if they keep it up he is in support of this.

Mr. Fancher said that Dick Walser is in favor of this used car dealership.

Becky stated that conditions can be put on this variance for example no signs, no cars by the road, etc.

Becky asked Mr. Alexander if the cars can be parked on the other side of the lot or behind the building. That way they would not be visible from the road. Mr. Alexander said he is willing to accept any conditions.

Bill K. asked if Mr. Alexander could use his church as his business address.

Mr. Alexander stated that this business is not affiliated with a specific church.

There being no one else to speak, Bill K. closed the public hearing at 7:49 PM.

Bill K. questioned if this would have to be classified as a used car dealership.

Becky believes the answer is yes since each parcel is limited to 1 unlicensed vehicle. Any more than that and you must be classified as a used car lot or granted a variance for more vehicles which in this case won't satisfy the DMV.

Mr. Alexander said that he is really looking for a place to hang the signs the DMV requires.

Becky said that if the variance is granted, the Town would supply a letter to the DMV including the conditions that the Board sets. Perhaps the Planning Board would like to review.

Mr. Alexander said that the DMV requires the signs be hung on the front of the building to be visible from the road.

Dave W. made a motion to table the variance request to allow the Town Attorney to voice his opinion. Corky seconded.

Bill – Aye

Dave – Aye

Corky – Aye

John – Aye

Bill motioned to approve the minutes from the February 21, 2006 meeting.

Dave W. asked to make sure the minutes from the September meeting had been amended.

Dave seconded and all in favor.

Corky motioned to adjourn the meeting at 8:05 PM, seconded by Dave and all approved.

Respectfully submitted,
Jennifer L. Heberling
Recording Secretary